

86th Legislative Session – 2011

Committee: Senate Local Government

Wednesday, March 02, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Hunhoff (Jean)
P Lederman
P Nelson (Tom)
P Tieszen
P Holien, Vice-Chair
P Schlekeway, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Todd Schlekeway, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 28, 2011

Moved by: Hunhoff (Jean)
Second by: Tieszen
Action: Prevailed by voice vote.

Tom Magedanz, LRC Staff, provided background information on the history of water project districts.

HB 1044: revise certain water project district voter eligibility provisions.

Proponents: Representative Tom Jones
Gary Anderson, Self, Centerville
Senator Eldon Nygaard

MOTION: AMEND HB 1044

1044tc

On page 2, line 3, of the House Local Government Committee engrossed bill, after "§ 46A-18-2.1" insert "and section 4 of this Act".

On page 2, line 8, after "§ 46A-18-2.1" insert "and section 4 of this Act".

On page 2, delete lines 14 to 24, inclusive, and insert:

" Section 3. That § 46A-18-2.1 be amended to read as follows:

46A-18-2.1. Except as provided in section 4 of this Act, and except as otherwise provided in this chapter, no person may vote in any election held pursuant to this chapter unless the person is a qualified voter of the water project district. A qualified voter of the district is a person who is a registered voter and a resident of the district. If the election is conducted based on director divisions, no person may vote in the election unless the person is a qualified voter of the person's respective director division. A qualified voter of a director division is a person who is a registered voter and a resident of the director division.

Section 4. That chapter 46A-18 be amended by adding thereto a NEW SECTION to read as follows:

If fewer than one hundred fifty persons reside within the boundaries of an existing water project district on July 1, 2011, the board of directors of the district may, by a resolution adopted not later than July 1, 2014, specify that a qualified voter of the district or director division is an owner of real property located within the district or director division, rather than a registered voter and resident of the district or director division.

For purposes of this section, the term, owner of real property, includes any person listed as the owner of real property in the records in the office of the register of deeds of the county in which the property is located. If real property is sold under a contract for deed that is of record in the office of the register of deeds, the purchaser of the real property, as named in the contract for deed, is treated as the owner. A landowner or joint landowners who own a tract of land within the district are entitled to one vote collectively. The vote of any person who is a minor or a protected person as defined by § 29A-5-102, may be cast by the parent, conservator, or legal representative of the minor or protected person."

On page 3, delete lines 1 and 2.

Moved by: Lederman
Second by: Holien
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1044 AS AMENDED

Moved by: Hunhoff (Jean)

Second by: Tieszen

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Bradford, Hunhoff (Jean), Lederman, Nelson (Tom), Tieszen, Holien, Schlekeway

MOTION: PLACE HB 1044 ON CONSENT CALENDAR

Moved by: Tieszen

Second by: Nelson (Tom)

Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Lederman

Second by: Holien

Action: Prevailed by voice vote.

Jeanette Black
Committee Secretary

Todd Schlekeway, Chair